

I, Stephen Walpole, a police officer with the Los Gatos / Monte Sereno Police Department, make this statement under oath. I am one of several officers in my department to have investigated the disappearance of Jeanine Harms July 27, 2001. This investigation has involved dozens of law enforcement officers from local, state and federal agencies as well as numerous crime scene investigators and criminalists from local and state agencies. The officers have interviewed scores of witnesses. The investigators and criminalists have analyzed thousands of items of physical evidence and have prepared dozens of reports. This statement is a synopsis of those interviews and official reports that lead me to believe that Maurice Nasmeh murdered Jeanine Harms. I believe the following to be true.

Late in the afternoon of Friday July 27, 2001, Jeanine Harms was at home at 16770 Chirco Drive in Los Gatos preparing to go out for the evening. She and her friend and landlord Chigiy Edson-Binell were in her bedroom as Jeanine dressed and they discussed her plans. Forty-two years old, once married and currently separated, Ms. Harms was uneasy about meeting Alex Wilson for drinks at the Rock Bottom Brewery in Campbell at seven o'clock. She hardly knew him and had only made the date as amends for having stood him up earlier that month. Dressed in a light blue floral print dress and wearing black-strap pumps, Jeanine drove her 2000 model black Ford Mustang (California license 4KLX942) to the Pruneyard Shopping Center where

she met her best friend, Janice Burnham, at the Bucca di Beppo restaurant. As they talked about her misgivings, Jeanine drank gin and tonic cocktails. They agreed to speak the next day by telephone. Shortly before 7 p.m., Ms. Harms left Burnham at the restaurant and walked to the Rock Bottom Brewery, where she arrived before Wilson.

Meanwhile at the brewery, Maurice Nasmeh (37, 5'8", 180, balding and mustached), his co-worker, Savannah Brien and friend, Norman Ayres had met for cocktails. Brien noticed Jeanine as she walked in and suggested to Nasmeh that the pretty woman would be a welcome addition to their party. Jeanine gladly accepted her invitation. When Wilson arrived a few minutes later, Jeanine invited him to join the group. Ayres soon departed, leaving four to continue the prolonged cocktail hour. Not long thereafter, Ms. Harms and her three new acquaintances walked to the parking lot, where they smoked marijuana. Savannah Brien then departed, leaving Jeanine with Nasmeh and Wilson. Jeanine then drove the remaining three to Court's Lounge in her Mustang, two miles south on Bascom Avenue, for more drinks.

At Court's Lounge, Nasmeh told Wilson of his interest in Jeanine. Wilson, who had become disenchanted with his date, had no objection and went outside to smoke cigarettes. After about an hour, the three left the bar and Jeanine drove them

back to the Pruneyard. On the way, she suggested that they all continue the party at her house. Wilson had no interest and went home to Santa Clara after Ms. Harms dropped him off at his car. She then left Nasmeh at his 2000 model gray Jeep Grand Cherokee and rapidly drove away. Nasmeh sped to follow her south on Bascom Avenue into the Town of Los Gatos where the avenue becomes Los Gatos Boulevard and to Chirco Drive where Jeanine lived one block west. They arrived at her residence around 10:30 p.m.

Jiffy Market food and liquor store sits at the southwest corner of Los Gatos Boulevard and Chirco Drive. At 10:52 p.m., Nasmeh and Ms. Harms bought a six-pack of Heineken beer. About ninety minutes later, a neighbor across the street from Jeanine's residence heard a loud percussive sound. Startled, he saw automobile headlamp beams playing back and forth across his living room walls and ceiling, as if a vehicle were turning around in the street. He walked to the window and saw a man driving east on Chirco Drive towards Los Gatos Boulevard. The man appeared to be about forty years old, bald and mustached.

Jeanine did not call Janice Burnham on Saturday morning, and she has not called anyone since. In forty months, there has been no sign that she survived the night. She left behind her automobile and other personal property including clothing,

an electric guitar and her datebooks, calendars and journals, all prized possessions that her friends say she would not voluntarily abandon. No family member, friend or coworker has heard from her. Her credit cards and bank accounts have not been used. Absolutely no evidence has surfaced during the course of an exhaustive investigation to suggest that she is alive.

Monday morning, July 30, 2001, when she failed to appear for work at Amdahl Corporation, concern among her family and friends turned to worry. Her Mustang remained parked in the driveway where Edson-Binell had seen it late Saturday morning and her curtains were still drawn. A call to the Los Gatos Monte Sereno Police Department started a missing person's investigation. Soon Edson-Binell and a patrol officer were inspecting the sparsely furnished interior of Jeanine's home. By the end of the day investigators had learned that some things in the home were missing, some were out of place and some were exactly as Jeanine had left them Friday afternoon.

Inside the front room a 5' x 8' wool "Persian" style rug was missing from its place on the floor in front of the hide-a-bed sofa. The hide-a-bed sofa lay uncovered, its slipcover, seat cushions and two small pillows gone. Her keys and purse were gone. But there was no evidence of forced entry, and everything else in the front

room was in its place, except the television remote control, which was underneath the sofa. In the kitchen a dishtowel and magnet lay on the floor in front of the refrigerator. On a counter were prescription medicines, credit cards, a checkbook and an unopened payroll envelope, all in the name of Jeanine Harms. In the sink were three shot glasses and one unwashed drinking glass; in the trash, lemon rinds and salt, remnants from a get-together with family and neighbors Thursday night. On the floor of the hallway leading to the bedroom was a pair of women's black leather sandals. In the hall closet in plain view was a bundle of cash in a ceramic bowl. The bedroom itself appeared to have been untouched since Edson-Binell had been there with Jeanine Friday afternoon. The hanger from which Jeanine had taken her dress lay where she had placed it on the bed, as did the crease in the bedding where she had sat to put on her shoes. There was no sign of the Heineken beer purchase: no cans, no receipt, no bag.

I believe that Jeanine Harms is dead and that Maurice Nasmeh killed her, that he took her body, her purse and her keys, the Heineken beer cans, the couch cover, the small pillows, seat cushions, and the rug and put everything inside the cargo area of his Jeep and drove from the scene to dispose of the evidence. Only the rug has been found.

During the ensuing crime scene investigation, detectives and criminalists examined the residence for evidence of blood and/or bodily fluids, fingerprints and trace evidence. In particular, tape lifts were used to collect trace evidence from the sofa. That evidence was submitted to the Santa Clara County Crime Lab ("Lab") on August 10, 2001. Similar tape lifts collected trace evidence from Maurice Nasmeh's Jeep Grand Cherokee ("Jeep"). That evidence was submitted to the Lab on September 4, 2001. Preliminary analysis found acrylic fibers on the tape lifts of the sofa and the rear cargo area of the Jeep. These acrylic fibers from Jeanine's sofa and Nasmeh's Jeep were physically and chemically indistinguishable from one another. Those tape lifts also contained wool fibers that were physically and chemically indistinguishable. The criminalist then concluded that the two sorts of fibers (acrylic and wool) could have originated from textile products that had come in contact with both the sofa and the Jeep, but he could not yet determine their origin.

On January 3, 2002, the police re-interviewed Edson-Binell to confirm that she had not heard from Jeanine. During that interview, she recalled having come across an old roll of film of photographs taken in March of 2001. One photograph showed the missing rug before she had given it to Jeanine. Investigators published the photograph to the media. In response, Charlotte Massey came forward.

Massey had found such a rug in the summer of 2001. She and her daughter went out one weekend morning in late July to find a Dumpster in which to dispose of rubbish from a rental property. They found a suitable Dumpster in the parking lot between Target and 24-Hour Fitness in a shopping center bordered by Leigh, Camden, Hillsdale and Dent Avenues in San Jose. (The shopping center was under reconstruction at the time.) In the process they saw a rolled up rug, pile side out, lying under vegetation on a concrete curbed median strip. They inspected it and found it to be in very good condition. Massey took it home with her where it lay for almost two years. Maurice Nasmeh lives about a half-mile from the shopping center. Investigators submitted the rug to the Lab for analysis on April 24, 2003.

Once it was determined that many of the acrylic fibers were of a type used almost exclusively to produce yarn used in latch-hook rug hobby kits, investigators followed that lead to Jeanine's mother, Georgette Sanchez. From her they learned that Jeanine had taken up the latch-hook rug hobby shortly before her disappearance and had one in progress at the time. Edson-Binell had given it to Mrs. Sanchez after she had removed the remainder of Jeanine's belongings in preparation for a new tenant. Investigators collected it from Mrs. Sanchez and submitted it to the Lab for analysis on June 6, 2003. Forensic analysis of trace evidence has continued until recently; it is now complete.

Trace evidence linking Maurice Nasmeh to the murder of Jeanine Harms comes from a number of items and places. They include Jeanine's vacuum cleaner, the sofa and carpet from Harm's residence, the acrylic latch hook rug kit, and the wool rug on the one hand, and the vehicles, workplace and home of Maurice Nasmeh on the other. Acrylic fibers found inside Jeanine's vacuum cleaner and on her sofa and carpet are consistent with component fibers of the latch hook kit yarn. The wool rug harbored foreign acrylic fibers consistent with fibers that comprise the latch hook kit yarn and the cargo area of the Jeep. The rear cargo area of the Jeep harbored foreign wool fibers consistent with components of the wool rug and foreign acrylic fibers consistent with components of the latch hook kit yarn. Such fibers were not found in Nasmeh's home, workplace or other vehicle.

Thus the rug found a half mile from Nasmeh's residence one weekend in late July forty months ago is linked to both Jeanine Harms and Nasmeh. The only reasonable explanation for that link is her death. The disposal site of the rug is not necessarily the disposal site of her body; the search for Jeanine Harms continues.

Nasmeh has been identified as MAURICE XAVIER NASMEH, having date of birth of February 3, 1964.



Request for no bail warrant

I request that no bail be set. To release Maurice Nasmeh on bond or bail would risk his flight and destruction of evidence. This is true despite the time lapsed between the murder and his arrest.

To have filed charges and arrested him before the completion of the forensic analysis of trace evidence would have been possible and lawful but imprudent and ill advised. The prudence and care of law enforcement should not be confused with a lack of confidence in the case against him. Although he has not changed residences or employment, Maurice Nasmeh now represents an increased flight risk. Throughout this investigation, intermittent contact with Nasmeh and his attorneys has reminded him that he was a suspect, but his prudent consistency of residence and employment should not be confused with evidence of his innocence. What had been a possibility is now a fact: Mr. Nasmeh faces life imprisonment. Further, since the body of Ms. Harms remains undiscovered, to release Mr. Nasmeh would also create a significant risk of destruction of evidence.

Dated: December \_\_\_\_\_, 2004.

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Officer Stephen Walpole # 32